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August 29, 2022

VIA EMAIL AND ECF

Hon. Marian W. Payson
United States Magistrate Judge
100 State Street
Rochester, New York 14614

**Re: Request for Extension of Time to File Defendant's Reply Brief
*USA v. Phillips, 22 Cr. 06058 CJS - MWP***

Dear Judge Payson:

Defendant Mark Phillips' reply brief is due to be filed today. I write to respectfully request an extension of time to file the reply until Friday, September 9. I would ask that the oral argument be postponed until October 5, 2022.

The reason for this request is that a physical complication deriving from my husband's car accident on May 21, 2022, resulted in his having to have surgery on August 17. He was in the hospital for one week and is now home, but in need of intravenous antibiotics three times a day, which I am administering. Due to this complication, I am unfortunately delayed in responding to the government's memorandum in opposition to my motion.

I have spoken to AUSA Kyle Rossi about this, and he consents to the extension of time. With regard to oral argument, I am not available the week of September 12 because the trial judge for my August 15, 2022 trial contracted Covid and rescheduled the trial.

I apologize for any inconvenience that this causes the Court. I consent to the exclusion of time under the Speedy Trial Act.

Sincerely,

s/s Camille M. Abate, Esq.

cc: AUSA Kyle Rossi (via ECF)

Requests granted. Oral argument shall be held on 10/5/22 at 10:30 am. Time is excluded under 18 U.S.C. Section 3161(h)(1)(D) due to the continued pendency of motions. SO ORDERED.

Marian W. Payson
Marian W. Payson, U.S.M.J.
August 30, 2022